

**MINUTES OF THE MEETING  
OF THE COMMON COUNCIL  
VALPARAISO, INDIANA**

August 9, 2021

The Common Council of the City of Valparaiso, Indiana, met on Monday August 9, 2021 at 6:00 p.m. in City Hall. Mayor Murphy called the meeting to order. The Pledge of Allegiance was said. Present were Councilmembers Reed, Cotton, Schmidt, Pupillo, Anderson, Costas and Douglas.

**MINUTES**

Councilmember Douglas moved to approve minutes of the July 26, 2021 meeting. Councilmember Reed seconded the motion. Upon voice vote the motion to approve passed with a 7-0 vote.

**ORDINANCE NO. 18, 2021**

**AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF VALPARAISO**

Councilmember Douglas moved that Ordinance No. 18, 2021 be read a second time by title and a third time in full and be considered for adoption and the opportunity be given for the offering of amendments. Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read the Ordinance.

Beth Shrader addressed the Council. The request is to change the current zoning of Public Space to NC-60.

Councilmember Douglas moved to adopt Ordinance No. 18, 2021. Councilmember Reed seconded the motion. Upon roll call vote the motion to adopt passed with a 7-0 vote.

**RESOLUTION NO. 13, 2021**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO,  
PORTER COUNTY, INDIANA, ADOPTING A FISCAL PLAN FOR THE  
ANNEXATION OF PROPERTY KNOWN AS THE "WESTWIND ANNEXATION"**

Councilmember Douglas moved that Resolution No. 13, 2021 be read and considered for passage. Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read Resolution No. 13, 2021.

Beth Shrader addressed the Council. This is the Fiscal Plan for Westwind Annexation. This will be a net gain to the City.

Mayor Murphy asked about the rest of the process. Beth Shrader explained the Fiscal Plan is first. Next will be the first reading of the Annexation Ordinance. There will be a Public Hearing. Beth is working on an Annexation Agreement which she expects to have complete by

the next Council meeting. After the property is annexed, they will go through steps more specific for development of a subdivision.

Councilmember Douglas moved to adopt Resolution No. 13, 2021. Councilmember Reed seconded the motion. Upon roll call vote, the motion to adopt Resolution No. 13, 2021 passed with a 7-0 vote.

### **ORDINANCE NO. 22, 2021**

#### **AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, PORTER COUNTY, INDIANA, ANNEXING CERTAIN REAL ESTATE TO THE CITY OF VALPARAISO, INDIANA**

Councilmember Douglas moved that Ordinance No. 22, 2021 be read a first time and considered on first reading. Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read Ordinance No. 22, 2021.

Beth Shrader addressed the Council. This comes to the Council with a unanimous favorable recommendation from the Plan Commission. Their recommendation includes the assigned zoning of Suburban Residential. The Comprehensive Plan recommends this as a future annexation area with the zoning of GR which is one step denser than what is being proposed.

Attorney Todd Leeth addressed the Council. This request contains 142 acres. The land is nearly 60% contiguous. The Fiscal Plan shows this is a good financial investment for the City. Olthoff Homes is the potential developer of this property. They propose all single-family homes. They will be asking for variances. The zoning of SR does not allow Pari patio homes. They will also ask for a cluster development standard. This is like a PUD without the process of a PUD Ordinance. It has a mixture of lot sizes and widths. City utilities will be extended to this property. The Annexation Agreement will have enhanced buffer requirements. It will also have mixed lot sizes and reduced fences.

Councilmember Douglas stated this is a natural progression. The clustering makes sense. There are a lot of pathways which is good.

Councilmember Douglas moved that Ordinance No. 22, 2021 be carried over to the August 23, 2021 meeting. Councilmember Reed seconded the motion. Upon voice vote the motion passed with a 7-0 vote.

Mayor Murphy stated Ordinance No. 22, 2021 requires a Public Hearing and presented Proof of Publication that at tonight's meeting the Council will hear comments and questions on the proposed annexation of 142 acres.

Seeing no one wishing to address the Council, he declared the Public hearing closed.

**ORDINANCE NO. 15, 2021  
AMENDMENT TO 2021 SALARY ORDINANCE**

Councilmember Douglas moved that Ordinance No. 15, 2021 be read a second time by title and a third time in full and be considered for adoption and the opportunity be given for the offering of amendments. Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read the Ordinance.

Clerk-Treasurer Taylor addressed the Council. This adds a social worker to the Police Department. In the Park Department they are adding a special events position. The current employee doing that job will be moving into doing just facilities maintenance director. There is one additional request that has been added since the last Council meeting for a Public Works GIS WMS Coordinator.

Councilmember Douglas moved to amend Ordinance No. 15, 2021 to include the Public Works GIS WMS Coordinator. Councilmember Reed seconded the motion. Upon roll call vote the motion to amend passed with a 7-0 vote.

Councilmember Douglas moved to adopt Ordinance No. 15, 2021 as amended. Councilmember Reed seconded the motion. Upon roll call vote the motion to adopt as amended passed with a 7-0 vote.

**ORDINANCE NO. 19, 2021**

**ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO,  
INDIANA, REZONING PROPERTY FROM GENERAL COMMERCIAL (CG)  
DISTRICT AND URBAN RESIDENTIAL (UR) DISTRICT TO PUD, PLANNED UNIT  
DEVELOPMENT, KNOWN AS “UPTOWN EAST”**

Councilmember Douglas moved that Ordinance No. 19, 2021 be read a second time by title and a third time in full and be considered for adoption and the opportunity be given for the offering of amendments. Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read the Ordinance.

Beth Shrader addressed the Council. She and Todd Leeth are available to answer any questions.

Councilmember Cotton asked about the PUD designation. To what extent does that drive any zoning issues in the future to other bodies versus City Council for deliberation or for resolution? Meaning as a PUD it is not subject to code as it exists. It will be a subset with its own zoning characteristics. In the event of a problem or concern, does that get vetted at the Council or somewhere else. Beth explained it will stay with the BZA.

Councilmember Douglas moved to adopt Ordinance No. 19, 2021. Councilmember Reed seconded the motion. Upon roll call vote the motion to adopt Ordinance No. 19, 2021 passed with a 6-1 vote. Councilmember Cotton voted No.

## **ORDINANCE NO. 20, 2021**

### **AN ORDINANCE APPROPRIATING FUNDS IN THE LOCAL ROAD & STREET FUND AND PROVIDING FOR PUBLICATION OF NOTICE**

Councilmember Douglas moved that Ordinance No. 20, 2021 be read a first time and considered on first reading. Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read Ordinance No. 20, 2021.

Clerk-Treasurer Taylor addressed the Council. Steve Poulos has sent a note to the Councilmembers explaining this appropriation. There is enough money in this fund. The money will be used to purchase salt.

Councilmember Douglas moved that Ordinance No. 20, 2021 be carried over to the August 23, 2021 meeting. Councilmember Reed seconded the motion. Upon voice vote the motion passed with a 7-0 vote.

## **ORDINANCE NO. 21, 2021**

### **AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, TO ESTABLISH A PROCESS FOR THE USE OF GOLF CARTS ON CERTAIN CITY PUBLIC RIGHTS-OF-WAY**

Councilmember Douglas moved that Ordinance No. 21, 2021 be read a first time and considered on first reading. Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read Ordinance No. 21, 2021.

Attorney Patrick Lyp addressed the Council. The Traffic and Safety Committee has reviewed this proposed Ordinance. Excluded are All-terrain vehicles, utility vehicles, go karts or any motorized vehicles with an engine in excess of 150 cc. A map has been drafted showing a list of roads with absolute prohibition, limited use and those allowed. Harrison Boulevard is a road not allowed at this point. That will make access to downtown impossible for some areas due to Vale Park Road not yet being complete. There is an annual inspection. There is an initial fee of \$50 and then a \$25 yearly fee. Attorney Lyp went over the list of items that must be present on the cart to be accepted on the roads. The speed allowed is the lesser of 25 mph or the posted speed. No carts can be parked on a front or side yard. If approved, permits issued in 2021 will be valid through 2022. After that it will be a calendar year renewal with a 90-day grace period.

Mayor Murphy stated the County is also working on an Ordinance addressing this issue. This Ordinance is compatible with their ordinance.

Councilmember Schmidt asked if there is an anticipated number of permits to be issued. Chief Balon stated he is not sure. He does not feel it will be a large number. Seat belts will be required. Babies can be in the carts if in a car seat. 25 mph is the maximum speed.

Councilmember Costas asked if there is a minimum age to ride in the cart. Chief Balon replied that is up to the parents.

Councilmember Reed discussed parking. Carts can park on side streets. In inclement weather does this mean they could be parked there and stay there all winter? This would be taking up additional spaces where there is already a limited amount of parking. Regarding the funding, does this go to the Police Department or go back to the Police Department. Chief Balon explained there is a cost for the sticker and officers. The money after the expenses will go in the Local Police Education Fund. Chief Balon stated over the years he has been asked a lot about golf carts on the road. They are being very cautious about safety in allowing the carts on the street. They will be addressing the issue of residents that already have No Golf Carts Allowed signs posted.

Clerk-Treasurer Taylor addressed the Council. She stated her office has already sold out of Parking Permits for the year. Adding golf carts to that mix could be a problem. She suggested prohibiting golf carts from parking in the Permitted Parking spots. Attorney Lyp stated this will be reviewed and addressed in the Ordinance.

Councilmember Pupillo discussed Harrison Boulevard being a restricted street. This cuts off certain neighborhoods of the City. For those cut off, he suggested waiving the fee until Vale Park Road is complete. Attorney Lyp stated they will be looking at alternatives.

Councilmember Pupillo asked about the additions to the carts. He understands these are economical additions.

Councilmember Douglas asked about the seat belts. Anyone riding in the cart must wear them. It is not an option. He also asked if there is a limit on the size of the cart. Attorney Lyp said he might have to clarify the definition of a cart. A 14-seater would not be a "traditional" golf cart. Councilmember Douglas stated he would like to see it clearly state you must be 16 and have a valid driver's license to operate the golf cart. Learner Permits will not be permitted. He agrees Harrison street is not a safe road. West Street is bad also. Silhavy might be ok after the improvements are done. The areas cut off can still use the carts in their neighborhood so there is value.

Councilmember Schmidt asked where the fees collected will be deposited. The resident will make an appointment to come to the Police Department for the inspection. This all involves a cost which is why the funds collected should go to the Police Department.

Councilmember Cotton stated he feels there should be minimum speeds also. Chief Balon explained the carts are to be in the right part of the lane and pull over if they have someone behind them. Councilmember Cotton discussed that drivers already have issues passing bikes in the bike path if there is oncoming traffic. He asked if not using seatbelts is a ticketable offense. Chief Balon replied yes, through City Ordinance.

Councilmember Anderson asked how other cities are doing with allowing carts on the streets. Chief Balon said of those he has contacted; most have said no increase of accidents have been reported. One had a DUI and one had a person fall off a cart.

Councilmember Costas asked if other communities have a slow-moving vehicle sign on the back of the cart so at night a driver can identify what is coming up. Chief Balon reported one city had a sign but it was low and could not be seen. That is why this Ordinance requires taillights, break lights and turn signals. He also likes the solid light on the canopy of the cart which can be seen at night.

Councilmember Douglas asked if this is envisioned for commercial endeavors. Chief Balon replied in vacation communities they are used for business. He is sure there will be more discussion on this.

Councilmember Cotton asked if there have been discussions on limiting the number of permits. Chief Balon replied no. He does not feel it will be an overwhelming number of applicants.

Councilmember Douglas moved that Ordinance No. 21, 2021 be carried over to the August 23, 2021 meeting. Councilmember Reed seconded the motion. Upon voice vote the motion passed with a 7-0 vote.

### **Council Reports**

Councilmember Schmidt reported the Park Department is doing great. Golf revenue is expected to exceed last year's amount. They are starting to raise money for the skateboard park. They had an 11-year-old girl that set an unofficial world record in the 100-yard dash by running 11.9.

The meeting adjourned at 6:57 p.m.

/s/ Holly Taylor, Clerk-Treasurer